

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MARK D. ROLLINS,)
10 Plaintiff,) Case No. C08-1431-RAJ-BAT
11 v.)
12 DEPARTMENT OF CORRECTIONS, et. al.,) ORDER DENYING *IN FORMA*
13 Defendants.) *PAUPERIS* APPLICATION AND
) DISMISSING MATTER
) WITHOUT PREJUDICE
)

The court has reviewed the Report and Recommendation (Dkt. # 5) of United States Magistrate Judge Brian A. Tsuchida and the balance of the record. The court also notes that the court's mailing of the Report and Recommendation and supporting documents to Plaintiff at the correctional institution address he provided was returned to the court because the Plaintiff does not reside there. After considering the record, the court orders as follows:

- 1) The court adopts the Report and Recommendation.
- 2) Plaintiff's *in forma pauperis* application is DENIED, and this action is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).

**ORDER DENYING *IN FORMA PAUPERIS* APPLICATION
AND DISMISSING MATTER WITHOUT PREJUDICE – 1**

1 3) The Clerk of the Court shall close the case and send copies of the Order to plaintiff and
2 Magistrate Judge Tsuchida.

3 DATED this 12th day of January, 2009.

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7 The Honorable Richard A. Jones
8 United States District Judge

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